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## Career Differentiation: The Legal Community in Lincoln, Nebraska 1880-1891

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**CAREER DIFFERENTIATION:  
THE LEGAL COMMUNITY IN LINCOLN, NEBRASKA,  
1880-1891**

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**Abstract.** *The development of a legal community in late nineteenth-century Lincoln, Nebraska, offers an opportunity to examine career differentiation. Relying upon census and Lincoln city directories, the data analysis reveals similar patterns to previous research on the legal profession and some significant differences. Lincoln attorneys usually came from middle or lower classes backgrounds, seldom graduated from college, relocated to Nebraska from midwestern states, practiced alone, joined numerous fraternal organizations, became involved in politics, and were overwhelmingly Republicans.*

In 1867, Nebraska legislators passed a bill establishing the capital in Lincoln. The city's development, however, was vastly different from the usual modern-day conception of urban growth. During the late nineteenth century, Lincoln grew steadily, reaching a population of 13,003 in 1880, followed by an increase of 165% (34,440) by 1890. The Homestead Act of 1862, the development of a transcontinental railroad, and the influx of thousands of European immigrants assured that the population of the state of Nebraska would rapidly increase. Lincoln, as the legal center of the state, provided the perfect climate for the growth of a significant legal community. A group of lawyers quickly relocated there to practice before the Nebraska Supreme Court, lobby the state legislature for clients, and handle a myriad of other litigation issues including tort, contract, and criminal law.

This essay will explore the legal community of this expanding rural frontier community during the era of rapid growth—1880 to 1891. Similar to Donald D. Landon's (1992) examination of the rural Missouri bar, this study analyzes the Lincoln legal community to discern the characteristics of attorneys within the community. Under consideration are such topics as the

growth and development of Lincoln's lawyers, the state or country of their origin, and the relative stability of the Lincoln bar. The number and stability of law partnerships, as well as certain personal characteristics of Lincoln's lawyers, such as family and educational background, political and community affiliation, and political activity will receive attention. This study argues that many of the characteristics that Landon (1992) discovered have been present in the rural bar for quite some time.

Previous scholarship has revealed that careers in law tend to reflect the primary social and economic institutions of the surrounding society. As commerce and economic development increase, the legal profession becomes more specialized (Mills 1951:122; Ladinsky 1963) and, as the resources of a community increase, it mirrors the hierarchy already existing in the greater community (Carlin 1962, 1966; Handler 1967; Zemans and Rosenblum 1981; Heinz and Laumann 1982). This study similarly adopts Landon's (1992) general classification of "institutional" or "entrepreneurial" as suggested by Lortie (1960).

Legal careers generally begin in a law firm. Typically the new associate works with a more experienced partner in the firm, gaining experience and expertise in one or more areas of law and, eventually, the partners assess the associates and extend partnerships to the most qualified candidates. The entrepreneurial lawyer must maintain general legal skills to assist any potential client. Thus the legal career characteristically lacks specialization. A successful career relies upon entrepreneurial as well as legal skill to maintain a steady flow of clients.

### Data

The data for this study was collected from the 1880 federal census, the 1885 Nebraska state census, the Lincoln city directories from 1880-91, and biographical portraits of various members of the Lincoln bar found in county and state histories. The nature of the source material set certain limitations. For example, the city directories were not published annually until 1887. These directories included only those attorneys willing to pay for a listing. Moreover, the personal data on family background, education, and political activity from the biographical portraits only reflected the characteristics of the most prosperous attorneys in the city. Such characteristics, however, are important in providing a picture of the successful rural lawyer.

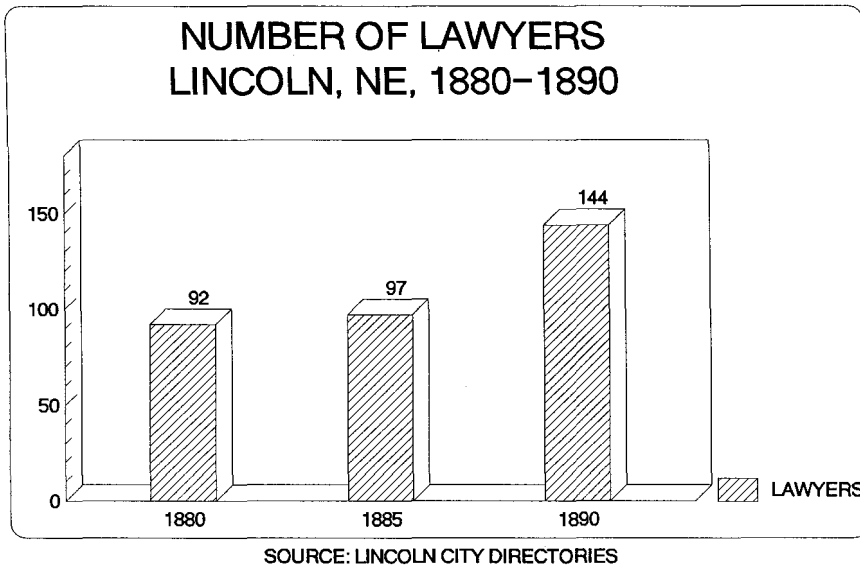


Figure 1. Number of lawyers in Lincoln, NE, 1880-1890.

### Lincoln Bar Over Time

The 1880 federal census and the city directory reveal that there were 92 attorneys living in Lincoln. By 1890, the number of lawyers appearing in the Lincoln city directory reflected a significant increase to 144 attorneys (Fig. 1). The actual number of lawyers living in Lincoln may have been higher, but without 1890 census data, we can only speculate. In both 1880 and 1885, the federal and state censuses registered approximately thirty more lawyers than the city directories did. Thus, the 1890 city directory enumeration is probably underinclusive. Lincoln's legal population showed a minimal increase of 5.5% between 1880 and 1885, but then experienced a sharp growth of 57% by 1890. These figures indicate that even though the base population of Lincoln grew 53% from 1880 to 1885, the number of lawyers only increased slightly. The real expansion of the Lincoln bar occurred from 1885 to 1890, which coincided with a 72% increase in Lincoln's general population.

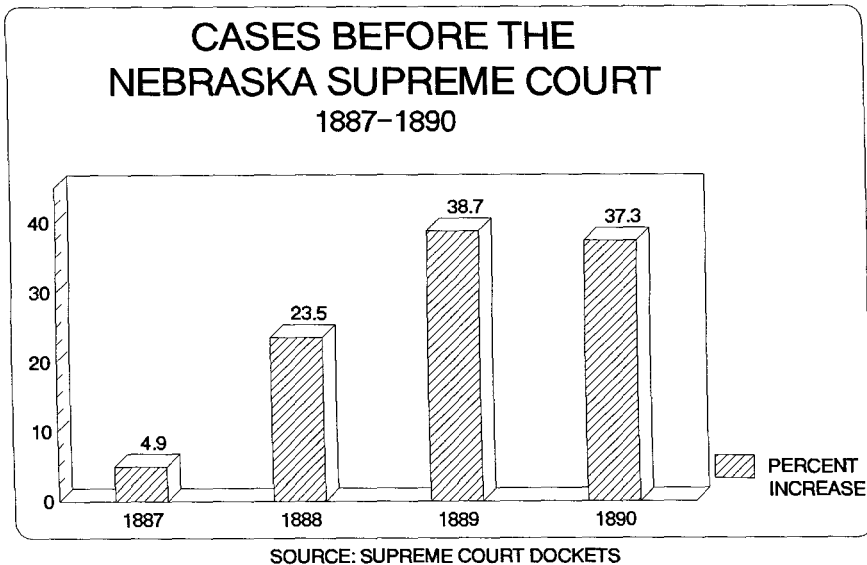


Figure 2. Cases before the Nebraska Supreme Court, 1887-1890.

To understand why the population of lawyers increased significantly only after 1885 requires an examination of the amount of litigation occurring within the courts. The number of lawsuits, despite entrepreneurial skill, is the major determining factor in the size of the legal community. As the number of clients seeking legal counsel rises or falls, so does the size of the legal community. In his examination of the legal profession in nineteenth-century Massachusetts, Gerard Gawalt found that the number of lawyers increased in various counties over time even though the profession was dominated by a few attorneys. He concluded that the explosion in litigation in Massachusetts allowed more individuals to practice successfully. Did the amount of litigation increase over time in Lincoln to allow more attorneys to practice successfully?

The number of cases heard before the Nebraska Supreme Court from 1884 to 1887 remained relatively steady (the dockets for the years 1880-1883 are missing). While the size of Lincoln's legal community remained roughly

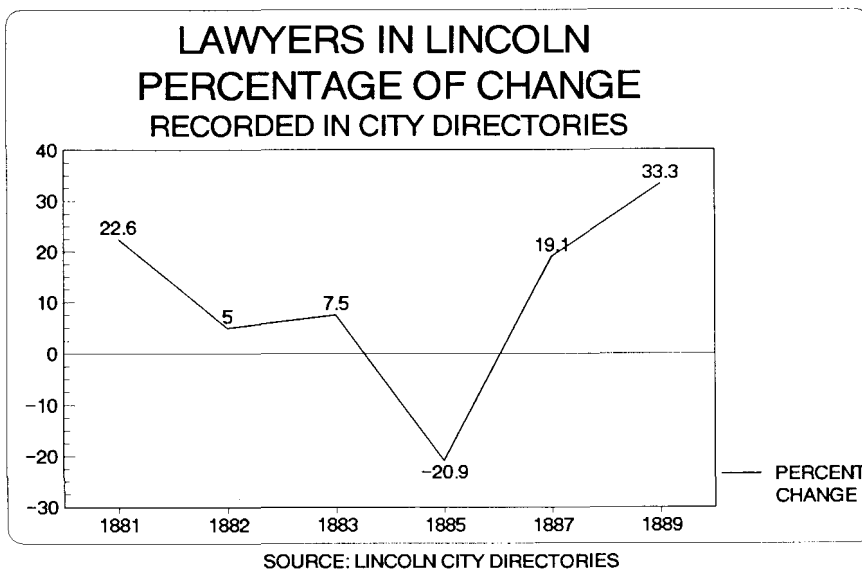


Figure 3. Lawyers in Lincoln: percentage of change recorded in city directories.

the same, the city's population was increasing. In 1888, however, the number of cases before the court increased 23.5% (Fig. 2). The years 1889 and 1890 continued this trend with 38.7% and 37.3% increases respectively. The continued expansion in Lincoln's general population witnessed a simultaneous growth in the amount of litigation, which allowed more attorneys to attract clients. The Nebraska State Supreme Court provided an additional arena where Lincoln's legal community could practice law. Often attorneys from other areas in Nebraska would seek out Lincoln lawyers and have them serve as co-counsel and file the necessary court material thereby freeing them from making time consuming trips to Lincoln. The caseload of the Supreme Court should also indirectly reflect the general trend in litigation for the state as a whole.

The fluctuations of the number of lawyers living in Lincoln who placed their name in the directory is rather unusual. This precipitous decline and sharp upturn reflects the rise or fall in the population of the legal community

as recorded in the city directories (Fig. 3). The legal community rose approximately 23% from 1880 to 1881, grew 5% by 1882 and an additional 7.5% in 1883. However, according to the 1885-1886 directory the legal community fell sharply by nearly 21%,. The first half of the 1880's witnessed a precipitous rise in the Lincoln bar followed by slower growth and then a sharp decline. The end of the decade, nevertheless, showed sharp increases within the legal community with 19% in 1887, and the single largest jump of 33% by 1890. This rapid growth from 1886 to 1890 mirrors the rapid increase in Lincoln's population during the same period. The small increase of 1.5% that occurred from 1890 to 1891 reflected the difficult economic period that accompanied the 1890's in Nebraska and the rest of Great Plains.

Nebraska's population reached 1,058,910 in 1890, and then declined slightly to 1,044,000 by 1900. Many factors contributed to this decline in Nebraska's population, but the most important one was the drought that devastated crops beginning in the summer of 1890. This environmental disaster fostered the populist revolt in Nebraska allowing Lincoln attorney William Jennings Bryan and the Democratic Party to make political gains in a previously Republican state. Thus, the cessation of population growth in the Great Plains was reflected very early within the legal community.

What was the place of origin of this sizable legal community in Lincoln from 1880 to 1890? Studying the Galveston legal community, Maxwell Bloomfield (1979) found that after the Civil War 85% of Galveston's lawyers came from southern states. This can be explained in part to the hostility that Southerners held toward Northerners. Given such post-war animosity, one could hypothesize that most of Nebraska's lawyers probably came from northern states. That was precisely the case in Nebraska. Addison E. Sheldon (1931) ranked the origins of Nebraska settlers in the following descending order: Ohio, New York, Pennsylvania, and Illinois. The state of origin for Lincoln's lawyers (1880 and 1885) did not exactly correspond to the migration pattern for the state as a whole, but they did, in some areas, closely mirror it. New York was the state from which the largest number of lawyers came, followed by Ohio, Illinois, and Indiana (Table 1). In fact, New York, Ohio, Indiana, and Illinois supplied nearly 70% of the lawyers in both 1880 and 1885.

Southern border states, such as Missouri and Kentucky, contributed only 7.6% of the lawyers in 1880 and 2.8% in 1885. Bloomfield (1979) recorded only six of the sixty-one attorneys in Galveston in 1870 as coming from northern states, which roughly corresponds to the figure from southern states for Nebraska in 1880. Since most Lincoln attorneys migrated from the

TABLE 1

STATE OR COUNTRY OF BIRTH OF LINCOLN BAR REPORTED IN  
THE FEDERAL AND STATE CENSUSES, 1880 AND 1885

Place of Origin	1880	1885
Number of Lawyers in Census:	N=78	N=74
Number and Percentage from:		
New York	20 (25.6%)	18 (24.3%)
Ohio	15 (19.2%)	18 (24.3%)
Illinois	10 (12.8%)	8 (10.8%)
Indiana	9 (11.5%)	9 (12.2%)
Pennsylvania	4 (5.1%)	3 (4.0%)
Missouri	4 (5.1%)	1 (1.4%)
Iowa	3 (3.8%)	3 (4.0%)
Wisconsin	3 (3.8%)	---
Massachusetts	3 (3.8%)	---
Vermont	2 (2.5%)	2 (2.7%)
Kentucky	2 (2.5%)	1 (1.4%)
Minnesota	1 (1.3%)	3 (4.0%)
Michigan	1 (1.3%)	1 (1.4%)
Ireland	1 (1.3%)	1 (1.4%)
New Hampshire	---	2 (2.7%)
Germany	---	1 (1.4%)
England	---	1 (1.4%)
Nebraska	---	1 (1.4%)
Canada	---	1 (1.4%)

Source: Tenth Federal Census of 1880 and Nebraska State Census, 1885.

North, this data reinforces Bloomfield's findings that lawyers avoided northern or southern migration but rather moved essentially westward. As a consequence of this migration, Nebraska probably reflected the legal structure of other northern states. During this time period, Nebraska did not have vigorous examinations for bar admission. Any lawyer who was recorded at the bar in the court of another state or territory could practice immediately after taking an oath in Nebraska.



### **Stability of Lincoln's Bar**

The data indicates that the population of Lincoln's lawyers did not grow substantially until the latter part of the 1880's. This population growth prevented the legal community from remaining in a specific area. As the city grew in size so did the legal community, spreading out into a widely dispersed area. Regardless of the influx of lawyers into the city, they still migrated from the same general area of the country, mainly New York, Ohio, Illinois, and Indiana. However, the task remains to examine how many of Lincoln's attorneys remained in Lincoln and for how long.

The practice of law in Lincoln was not easy, especially for a recently-arrived outsider. To survive, the new attorney had to carve out a living within the community by developing and maintaining a steady stream of paying clients. This was especially difficult for relative newcomers since no one knew them well, thus making the task of attracting clients more challenging. This remains true today as a lawyer in Landon's study mentioned. Outsiders virtually starve economically until they are able to gain enough clients (Landon 1992:76). William English (1947), in an earlier study on Missouri lawyers and jurists, found that court records contained many names of newly admitted attorneys who did not become active practitioners. C. Robert Haywood (1988) in his examination of Dodge City's lawyers found that only six (22%) of the twenty-seven attorneys who lived and practiced in Dodge City from 1876 to 1886 did so for more than seven years. Maxwell Bloomfield (1979) determined that only 50% of Galveston's lawyers practicing in 1850 continued doing so in 1860. He mentioned lack of economic opportunity, job switching, and death as the three major factors influencing this trend. All of these observations evince the entrepreneurial nature of the legal profession during this time period. Technical expertise without entrepreneurial skill would not necessarily mean a successive legal career.

The persistence of Lincoln's lawyers (Table 2) was somewhat weak. Only 48% of those lawyers who practiced in Lincoln in 1880 continued in 1885. By 1890, this figure dropped to 37% of the original number. This percentage is much lower than Bloomfield's (1979) figure of 50% for the Galveston bar. Lack of legal work available and job switching, reasons given by Bloomfield concerning the Galveston bar, is the probable explanation for this low number. The persistence percentage from 1885 to 1890 is roughly 60%. This higher figure resulted from the rapid influx of new settlers to Lincoln and the consequent rise in litigation. The growing population and functioning state capital meant that more lawyers could maintain a steady

TABLE 2

## PERSISTENCE OF LINCOLN'S LEGAL COMMUNITY, 1880-1890

				Same lawyers remaining in 1885 and the percentage from original population of attorneys	Same lawyers remaining in 1890 and the percentage from original population of attorneys
Number of	1880	92	44 (47.8%)	34 (37.0%)	
lawyers in	1885	97	----	57 (58.8%)	

Source: Tenth Federal Census of 1880 and Lincoln City Directories, 1880, 1885, and 1890.

amount of litigation and therefore, could remain viable. However, despite this figure, 40% of the legal profession chose not to remain in Lincoln after five years. This suggests high mobility within the Lincoln legal community.

Forming a partnership with another attorney provided one avenue for a newly arrived lawyer to position himself within a legal community. Partnerships were not restricted to new attorneys, for many successful older attorneys formed such partnerships. Alfred Howell, a lawyer who migrated to Galveston, remarked how frustrating it was to find older and better lawyers to form a partnership—none of them practiced alone. It also was difficult for a new attorney to know who within the community possessed the ability to bring a steady flow of clients to a partnership, allowing it to flourish. Othman A. Abbott, (later to become Nebraska's first Lieutenant Governor), settled in Grand Island in 1867 and successfully set about obtaining admission into the Nebraska bar. Appearing before a bar examining committee, Abbott was asked by Turner M. Marquette, one of the committee members, to speak with him later. Marquette approached Abbott later with the intention of forming

a law partnership. After some discussion, Abbott turned down Marquette's offer, a decision he later regretted. Marquette moved to Lincoln and established one of the state's most successful law firms, Marquette, Deweese & Hall. Other newcomers who settled in Lincoln were fortunate enough to join with experienced and established attorneys within the community. William Jennings Bryan formed a partnership with his law school friend Adolphus Talbot. During the period covered within this study the largest firm consisted of three partners; however, the typical partnership had only two lawyers. This parallels Landon's (1992) observation concerning the rural bar in Missouri.

Most Lincoln attorneys practiced alone, while a lesser number joined two- and three-partner firms (Fig. 4). About 55% of the lawyers in Lincoln practiced alone, while the remaining 45% worked in small partner firms. The highest percentage of solo practices occurred in 1883-1884, just prior to the sharp drop in the overall number of attorneys. Such a large number of solo practicing attorneys made it easier for the unsuccessful ones to move on to other occupations or other areas of the state. Moreover, the rise in individual practitioners could have resulted in a decline in legal business forcing partnerships to dissolve. The lowest percentage for solo attorneys occurred in 1887, the year that the number of lawyers increased by 19%. However, since this is city directory data, and not federal or state census, these figures for partnerships may be artificially high. Ninety-two lawyers appeared in the 1880 census. Assuming that most of the thirty lawyers that make up the difference between the census and the directory were solo practitioners, this raises the percentage of single lawyers to nearly 70%. Consequently, as few as one-third of Lincoln's attorneys might have been in partnerships from 1880 to 1891.

The question concerning the length of time a partnership survived deserves analysis. A comparison of the number of appearances of either two- or three-partner law firms with real estate partnerships was conducted because real estate partnerships were the only other profession that had partnerships. The data indicates that a firm that appeared in three of the directories had a better survival rate than nearly 80% of the other two-partner firms (Table 3). Moreover, this clearly demonstrates that most firms lacked persistence and did not survive beyond one appearance. Landon (1992) described the entrepreneurial career as typically a solo practice or a loose affiliation of a few practitioners which corresponds with the data on Lincoln's law partnerships. Such results support the conclusion that Lincoln's bar lacked the hierarchical structure of a more mature urban area (Landon 1992).

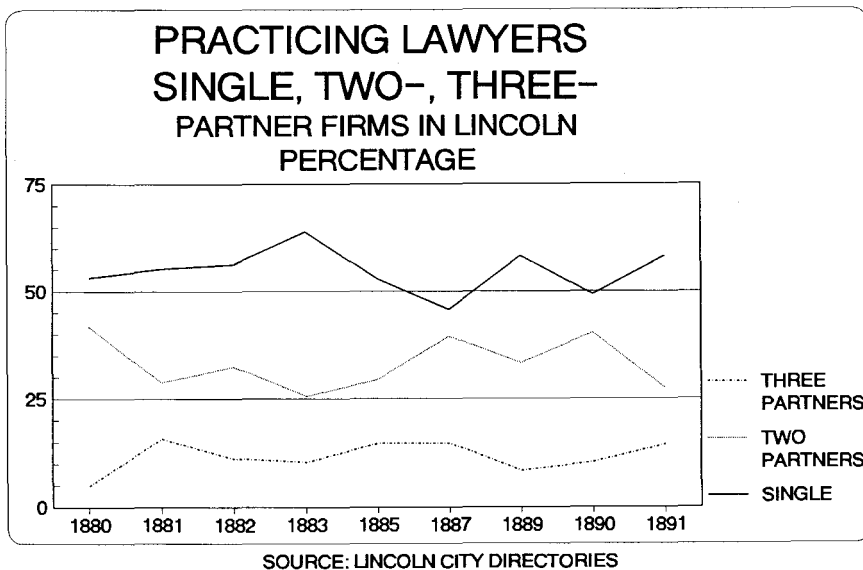


Figure 4. Practicing lawyers: percentage of single, two-, and three-partner firms in Lincoln.

Yet, however poorly two-partner law firms fared, real estate agent partnerships fared even worse. Roughly 96% of the real estate partnerships broke up after two appearances in the city directory (Table 3). Only one real estate partnerships lasted past three appearances as compared to eight two-partner law firms. This instability in the real estate market may be due to the legal profession. Besides practicing law, lawyers often bought and sold real estate which made the real estate market highly competitive.

The data also suggests that three-partner firms were much more stable than two-partner firms. The initial percentage of three-partner firms corresponds to the percentage for two partner firms, 61% to 58%. Yet, the percentage of three-person firms that appeared more than three times was 31% versus 11% for two-partner firms. The three-partner real estate firms did not even last past two appearances, exhibiting very little stability. The reason that these law firms were more persistent over time may be due to their composition. For example, Turner Marquette had practiced law in Nebraska

TABLE 3

NUMBER OF APPEARANCES OF LINCOLN LAW FIRMS AS  
COMPARED TO LOCAL REAL ESTATE AGENTS IN CITY  
DIRECTORIES, 1880-1891

Appearance in Directory N=	Lawyers Size of Firm		Real Estate Agents Size of Firm	
	2 Person	3 Person	2 Person	3 Person
1	43 (58.1%)	8 (61.5%)	65 (82.3%)	4 (80.0%)
2	16 (21.6%)	---	11 (13.9%)	1 (20.0%)
3	7 (9.5%)	1 (7.7%)	2 (7.5%)	---
4	5 (6.7%)	1 (7.7%)	---	---
5	1 (1.4%)	1 (7.7%)	---	---
6	---	1 (7.7%)	---	---
7	---	---	---	---
8	2 (2.7%)	1 (7.7%)	1 (1.3%)	---
9	---	---	---	---
Total	74	13	79	5

Source: Lincoln City Directories.

prior to statehood. He formed a partnership with Joel Deweese and added Frank Hall one year later. Because he was also able to attract railroad business, the firm secured a sizable income and had complex legal work which held the firm together. Landon (1992) found that senior attorneys in rural areas tended to capture estate work and the relatively small amount of corporate and commercial practice that existed in rural areas. These three-partner firms most likely also handled a majority of the commercial work in Lincoln.

#### Social Characteristics of the Lincoln Bar

The tendency to form law partnerships was part of the lawyers desire to achieve financial success, however, the lawyers who migrated westward

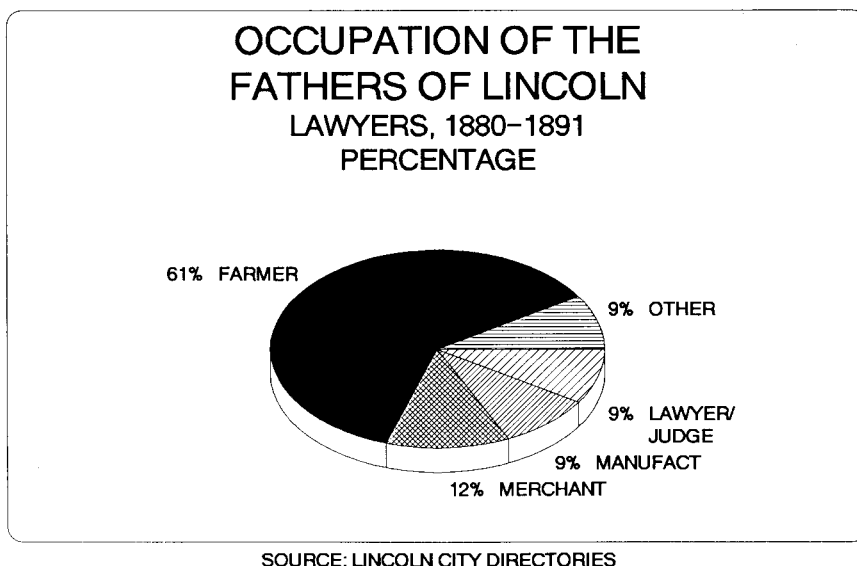


Figure 5. Occupations of the fathers of Lincoln lawyers, 1880-1891.

wanted not only economic prosperity but also social status. Gerard Gawalt (1979) tabulated the occupation of the fathers of Massachusetts and Maine lawyers. Such a study is valuable in examining the background of lawyers in order to determine such things as social mobility. Gawalt discovered that a majority of New England lawyers surveyed had a lawyer, judge, doctor, or minister as a father in both time periods, 1760-1809 and 1810-1840. The decline in the number of farmers' sons entering law suggested that the legal profession declined as a means of upward mobility and became a profession which perpetuated itself. Data on Lincoln's attorneys was tabulated to gain a better understanding of the Lincoln bar. Unlike Gawalt's sample, the paternal occupation of Lincoln's attorneys was predominantly farming, followed by merchant, manufacturer, and lawyer/judge (Fig. 5). The "other" category includes teacher, minister, and craftsman. Hence, unlike Massachusetts lawyers, who predominantly came from professional homes, Lincoln lawyers came from a lower to middle-class background. The data suggests

that the frontier bar allowed individuals to move socially upward much more easily than the rigidly stratified bar in eastern states. Only three lawyers (William J. Bryan, Charles Foxworthy, and Roscoe Pound) had fathers who were lawyers or judges.

What is remarkable is that this nineteenth-century trend continues in the modern rural bar in Missouri. Landon (1992) found that the proportion of persons from lower socio-economic backgrounds was substantially higher for the rural bar. Many individuals chose a legal career due to the social prestige and the higher status it gives an individual. The motivation of the members of the Lincoln bar did not differ significantly from their more modern counterparts. Perhaps one noticeable difference from the modern rural bar was the aspirations of certain lawyers for political office. One of William Jennings Bryan's motivations for moving to Lincoln from Jacksonville, Illinois was that Nebraska's Democratic Party had more success than the Illinois party. Bryan's move gave him political success when he was elected to the House of Representatives in 1992 and 1994.

With most of Lincoln's lawyers coming from middle to lower class backgrounds, their educational achievements deserves discussion. Education provided one of the methods by which the Massachusetts legal community formed a closed social group. Most New England practicing lawyers had college degrees. Whereas the Massachusetts legal community could maintain a certain degree of control over who became a lawyer by advocating a certain level of educational ability, the Lincoln bar did not. In Lincoln only 18 (51.4%) of 35 lawyers about whom biographical information is available held a college degree, and 15 of the 35 or 43% attended a law school. This further suggests that law practice on the Great Plains allowed more social mobility. Unlike the East where lawyers tended to have high percentages of college graduates, the Plains still had a sizable number of lawyers who began their profession simply by reading law with a practicing attorney. Moreover, not all of the law schools that Lincoln's attorneys attended required one to have a college degree. Three of the fifteen or 20% did not enter law school with a college degree.

However, during this time period one Lincoln lawyer took certain measures to provide a more unified way of instructing law students. In 1889, William Henry Smith, who moved to Lincoln from Philadelphia, formed the Central Law School. Besides hiring a regular faculty, the law school invited prominent guest lecturers such as Turner Marquette, William Jennings Bryan, Adolphus Talbot, and Stephen Pound. The law school, later absorbed

by the University of Nebraska, reflected a growing concern within the legal community for a unified, scientific approach to law.

Lawyers, apart from their legal duties, found themselves with outside obligations thrust upon them by the community. Because lawyers represented some learning and sophistication, they were expected to attend community functions, speak out on public affairs, and maintain the intellectual health of the community. Attorneys valued such obligations as a means of getting out into the community and attracting potential clients. These functions were a much better means of self-promotion than a newspaper advertisement. Such obligations of rural lawyers have not changed. Community leadership has remained one dimension of the lawyer's professional role (Matthews 1952).

One of the ways attorneys participated in community affairs was to become members in a fraternal society or some other voluntary association. Societies or lodges were vitally important as a means of mixing with other attorneys and other prominent community members. It was also a means of obtaining contacts with members of the community who would need legal services. A review of biographical sketches on Lincoln attorneys reveals that 27 (69%) of 39 of them indicated lodge or association affiliation (Table 4). Five belonged to one lodge or association and 22 (81%) belonged to two or more lodges or associations suggesting that lawyers tended to belong to as many of these clubs as possible. The Masons ranked first in popularity among fraternal organizations joined by lawyers. Given the ethno-religious homogeneity of the bar this result was expected. Slightly over half of those who had indicated lodge or association membership belonged to the Masons. This was followed by the Lincoln Commercial Club, a voluntary association, and the fraternal society Knights of Pythias. The Round Table Club proved to be the most interesting club or society on the list. Founded by William Jennings Bryan and his law partner Adolphus Talbot, club membership included such prominent figures as Lincoln's mayor and local attorney Andrew J. Sawyer, Judge Edward Holmes, Charles G. Dawes, (later Vice-President of the United States under Calvin Coolidge), and General John J. Pershing. A literary and nonpartisan organization, the Round Table Club served mainly as a forum to debate various current legal and political issues. A similar pattern of involvement in community activity also occurs in the rural bar. A study of rural lawyers in Missouri revealed that these attorneys belonged, on average, to nearly seven different local organizations (Landon 1992).

Coinciding with community involvement activities, the Lincoln bar also participated in politics. Lawyers were expected to participate in political



TABLE 4

MEMBERSHIP OF LINCOLN'S LAWYERS IN FRATERNAL SOCIETIES  
OR OTHER VOLUNTARY ASSOCIATIONS, 1880-1891

Organization	Number of Lawyers	Percentage
Masons	14	52.0%
G.A.R.	8	30.0%
Knights of Pythias	8	30.0%
Lincoln Commercial Club	8	30.0%
Independent Order of Oddfellows	6	22.0%
Nobles of the Mystic Shrine	6	22.0%
Round Table Club	5	18.5%
Ancient Order of United Workmen	5	18.5%
Knights of the Maccabees	1	3.7%

Source: A. J. Sawyer, ed., *Lincoln: The Capital City and Lancaster County Nebraska*; idem, *Portrait and Biographical Album of Lancaster County, Nebraska*; and A. E. Sheldon, *Nebraska: The Land and the People*.

racers, either by running for office or lending service to a political party. A large majority of those with biographical sketches were members of the Republican Party (Fig. 6). Considering the migration pattern from the northern states, this should not be surprising. Additionally, many of the lawyers who were Republicans served in the Union Army during the Civil War. The Democratic Party was second (18%), followed by the Prohibitionist Party, which numbered among its members Ada Bittenbender, the only woman to practice law in Lincoln from 1880-1891. Arnold Ricketts was the sole attorney who claimed to be independent. Of those lawyers who were members of firms the trend was one of political unity. All members of Marquette, Deweese, & Hall were Republicans, and Andrew Sawyer, Democratic mayor of Lincoln from 1887 to 1889, had as his partner Nova Snell, also a Democrat.

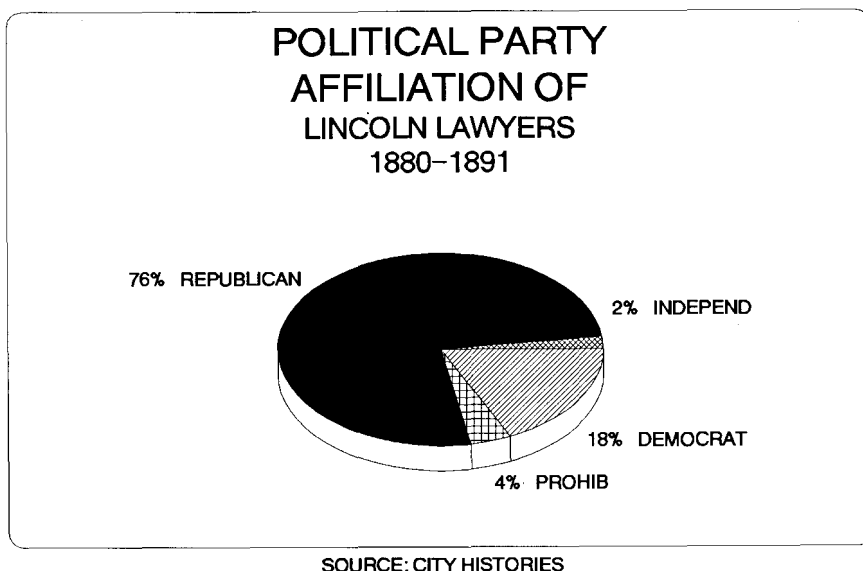


Figure 6. Political party affiliation of Lincoln lawyers, 1880-1891.

Table 5 documents the political activity of a selected group of Lincoln's attorneys. This activity was not limited to the time period of 1880-1891, but rather was limited to those attorneys who remained residents of Lincoln and practiced before their election to public office. The time frame was expanded because many lawyers who settled in Lincoln later in the decade did not serve in office until after a number of years. The data reinforces the conclusion that lawyers sought political office frequently. Of those lawyers who made Lincoln a permanent residence, 82% participated as candidates in elections, predominantly seeking office on the local level, such as mayor, county attorney, or county court judge. This pursuit for local office may have been a means for receiving a steady income rather than having to maintain steady clients. Howell, a Galveston, Texas lawyer wrote that becoming justice of the peace was an opportunity to receive a steady income and still practice law. Only two lawyers who settled in Lincoln during this study's time frame were

TABLE 5

LAWYERS WHO PERMANENTLY SETTLED IN LINCOLN FROM 1880-1891 AND WHO AT SOME TIME RAN FOR POLITICAL OFFICE

Did not Run	Ran but not Elected	Highest Elected Office			
		Local	State	Federal	Bench
7 (18.0%)	5 (13.0%)	11 (28.0%)	6 (15.4%)	2 (5.1%)	8 (20.5%)

N=39

Source: A. J. Sawyer, ed., *Lincoln: The Capital City and Lancaster County Nebraska*; idem, *Portrait and Biographical Album of Lancaster County, Nebraska*; and A. E. Sheldon, *Nebraska: The Land and the People*.

elected to a federal government position. Bryan and Marquette were both elected to the House of Representatives, although Marquette served during the late 1860s.

### Conclusion

This study has examined the legal community of a mid-sized frontier city, a city which, during the 1880s, was experiencing rapid growth. The rise of Lincoln's population was not reflected in the Lincoln bar until after 1885. This study has argued that the growth in the bar was due to the increasing amount of litigation that only occurred after 1885. As the number of available clients increased other lawyers were able to successfully start and maintain a practice. The migration of lawyers to Lincoln followed the general migration patterns the state of Nebraska was experiencing. Attorneys migrated predominantly from New York, Ohio, Illinois, and Indiana.

Attorneys attempting to sustain or begin a law practice in Lincoln had to possess certain entrepreneurial skills. Attorneys had to maintain a steady

flow of clients. Clients such as railroad companies, which paid well and possibly meant a long-term commitment for an attorney, were for those firms or lawyers who were clearly established in the community. Other attorneys had to seek a continual flow of paying clients. The results of this study demonstrate that many attorneys were unable to successfully practice law. Less than half the attorneys appearing in the Lincoln directory in 1880 were still practicing in 1890, and even in the five year period from 1885 to 1890 only 58.8% were still practicing law. This high turnover rate was due to the entrepreneurial nature of the frontier law practice.

The entrepreneurial nature of the Lincoln bar also prompted lawyers to become involved in their communities both socially and politically. Part of this was due to the standing lawyers had in a community as persons of learning, and partly to self-interest. Becoming active members of the community by joining various social clubs, such as the Masons, allowed attorneys the opportunity to create and maintain important social contacts. Social clubs offered a way to gain stature in the eyes of the community and hopefully bring in new clients. The community's expectation that lawyers would be actively involved in community affairs also meant that lawyers would be politically active. This also offered struggling attorneys the opportunity to obtain a steady income from a government job and to create a professional reputation. The type of offices sought by attorneys tended to be local in nature and almost half of those who sought political office either ran for positions within the judicial system or for local political offices.

Reflecting the mobility of the general western migration, a substantial number of Lincoln attorneys rose to the professional class from agricultural backgrounds, and as such only dimly mirrored the developments occurring to the bar in eastern states. Yet, as the city of Lincoln grew in population and with its primary functions focused on state government and higher education, the seeds were laid that would make the law profession more stratified and rigid in regards to class mobility. The founding of a law school would slowly end the apprenticeship method of training new lawyers and professionalize the practice of law. However, the malleable nature of the bar was due to lack of highly urbanized economic development, and other studies suggest that the characteristics of the Lincoln legal community are still persistent in areas of less urban development.

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